

## REMARKS

### 1. Rejection of Claims 1 and 2

The Official Action rejected claims 1 and 2 under 35 U.S.C. § 103(a) as being obvious over Sloo (U.S. Patent No. 5,895,450) in view of Herz (U.S. Patent No. 6,029,195). This rejection is traversed for the reasons set forth below.

Applicant's invention, as recited in claim 1, includes at least one step that is neither disclosed nor suggested by the cited art, namely:

... wherein the step of allowing interaction includes allowing a question of a party in the dispute.

With regard to this step, the Official Action admits that Sloo does not disclose this step (See the Official Action at paragraph 6). The Official Action further stated:

7. However, Sloo does teach allowing general users the ability to post their support or opposition to the judgment and encouraging responses (C9 L50-55).

8. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included wherein the step of allowing interaction includes allowing a question of a party in the dispute in the system disclosed by Sloo, for the advantage of providing a method of interactively settling disputes with the ability to create a entertaining medium by soliciting opinions and interactive inputs from additional system users (emphasis added).

The Official Action makes at least two improper assumptions that are not supported by the cited art and are contrary to the teachings of Sloo. First, the Official Action cites no art teaching "the step of allowing interaction includes allowing a question of a party in the dispute." As is admitted in paragraph 6 of the Official Action, Sloo does not disclose this step. There is no other art cited for this teaching. Therefore, the Official Action has failed to establish a *prima facie* case of obviousness.

Further, even assuming the Official Action could find art teaching this step, the Official Action improperly relies on hindsight in combining this imaginary art with Sloo. In other words, the Official Action is relying on Applicant's disclosure to establish the motivation to combine. MPEP Section 706.02(j) states "there must be some suggestion or motivation, either in the references themselves or in

the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings.” (emphasis added) The Official Action provides no evidence that teachings of this motivation exist outside the teachings of the present application. This is impermissible hindsight.

Further, Sloo teaches away from such a combination. The Official Action states that Sloo teaches allowing general users the ability to post their support or opposition to the judgment and encouraging responses. However, Sloo does not teach providing at least a portion of the input in a publicly accessible on-line form and allowing at least some people who access the on-line form to interact therewith, where the step of allowing interaction includes allowing a question of a party in the dispute. In fact, Sloo teaches away from allowing this type of interaction. Sloo states at column 7, lines 58-63:

This message area is reserved for use by the complainant and the subject and the messages entered are not posted in the public records so that the parties are encouraged to enter messages that may resolve the dispute without fear of public reaction to the messages (emphasis added).

Sloo includes numerous other cites to maintaining private information. See Sloo at column 3, lines 30-39; column 5, lines 12-20; column 5, lines 37-49; column 6, lines 5-14; column 6, lines 55-67; column 7, lines 28-41; column 7, lines 50-65. Thus, even assuming Sloo discloses viewing of post judgment information, Sloo does not disclose nor teach providing at least a portion of the input in a publicly accessible on-line form and allowing at least some people who access the on-line form to interact therewith including the step of allowing interaction that allows a question of a party in the dispute, and, to add such a feature to Sloo would completely defeat the stated objectives of Sloo. This rejection is simply the result of impermissible hindsight reconstruction.

Further, the Official Action also admits that Sloo fails to disclose, as recited in claim 1, the step of:

...wherein the publicly accessible on-line forum includes a dispute related advertising field including an advertisement that is selected by a computer-based system.

The Official Action cites Herz to overcome this deficiency. In combining this cited art, the Official Action states in paragraph 11:

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included wherein the publicly accessible on-line form includes a dispute related advertising field including an advertisement that is selected by a computer based system, as disclosed by Herz in the system disclosed by the system disclosed by Sloo, for the advantage of providing a method of interactively settling disputes with the ability to create additional sources of income by providing user customized (target profiling) advertising field.

The Official Action's rejection is based on the assumption that the interaction of the dispute disclosed by Sloo is publicly available. In other words, the Official Action assumes that Sloo teaches providing at least a portion of the input in a publicly accessible on-line form and allowing at least some people who access the on-line form to interact therewith. As is described above, Sloo simply does not disclose this type of public interaction that is recited in claim 1. Therefore, there would be no motivation to include the teachings of Herz because the public simply would not have access, as described in Sloo, to the information necessary to generate the ads. Further, the interaction provided for in Sloo is specifically and intentionally limited to private interaction among the parties. The addition of advertisements would necessarily imply the lack of privacy because the ads would be targeted towards private information provided via the Sloo system; or, these advertisements would at least threaten to reduce the sense of security the participants in Sloo are supposed to have regarding the privacy of the matter, directly contradicting a stated purpose of Sloo that "the messages entered are not posted in the public records so that **the parties are encouraged to enter messages** that may resolve the dispute without fear of public reaction to the messages." Therefore, Sloo clearly teaches away from providing targeted ads because this would violate the private interactions of the parties and the teachings of Sloo. Any suggestion to the contrary is simply created out of thin air. Thus, it is clear that one skilled in the art would not in any way be motivated to combine Herz with Sloo because Sloo teaches away from such a combination.

Accordingly, claim 1 is distinguished from the cited art for the reasons set forth above. Claim 2 depends from claim 1 and, therefore, is distinguished from

the cited art for the same reasons set forth with regard to claim 1. Thus, withdrawal of the rejection of claims 1 and 2 under 35 U.S.C. § 103(a) is respectfully requested.

## **2. Rejection of Claims 23-29, 32, and 34-36**

The Official Action rejected claims 23-29, 32, and 34-36 under 35 U.S.C. § 103(a) as being obvious over Sloo (U.S. Patent No. 5,895,450) in view of Eisen and Herz. This rejection is traversed for the reasons set forth below.

Applicant's invention, as recited in claim 23, recites at least one step that is neither disclosed nor suggested by the cited art, namely:

... interaction directed towards resolving the dispute occurring in substantially real-time between at least one of the parties to the dispute and another person, wherein the substantial real-time interaction is displayed on at least a display and the display includes a dispute related advertising field including an advertisement that is selected by a computer based system.

With regard to this step, the Official Action admits that Sloo does not disclose this step. (See the Official Action paragraph 15) The Official Action cited Eisen for this teaching. As described above with regard to claim 1, Sloo discloses private communications. Further, Eisen is directed towards a mediation system which is inherently private and confidential, as Eisen does not teach or suggest anything other than conventional mediation. As such, the provider of such services necessarily takes steps to insure the privacy and comfort of the participants, and goes out of its way to insure that the participants do not have even the perception that the forum is somehow anything other than private. The addition of targeted advertisements would necessarily imply a lack of privacy, or at least a perception thereof, because the ads would be targeted towards private information provided in supposedly private or confidential settings. Thus, one skilled in the art, based on the teachings therein, would not find any motivation to combine Herz with Sloo or Eisen because Sloo and Eisen specifically teach away from such a combination.

Applicant's invention, as recited in amended claim 24, includes at least one other step that is neither disclosed nor suggested by the cited art, namely:

...wherein the other person is a juror.

The cited art does not disclose a juror that interacts with at least one of the parties to the dispute. This step provides the juror the opportunity to gain further insight into the dispute and/or to provide entertaining interaction with a party.

Thus, claim 24 is distinguished from the cited art.

Applicant's invention, as recited in amended claim 26, includes at least one step that is neither disclosed nor suggested by the cited art, namely:

...the step of enabling another third party to view the dispute without enabling the other third party to interact with the parties.

This is different from the cited art. As discussed above with regard to the rejection of claims 1 and 23, Sloo does not disclose a dispute that includes interaction occurring in substantially real-time where the substantial real-time interaction is displayed on at least a display. Further, Sloo does not disclose enabling another third party to view the dispute that includes interaction occurring in substantially real-time where the substantial real-time interaction is displayed on at least a display without enabling the other third party to interact with the parties. The Official Action cited Eisen for teaching real-time interaction.

However, the Official Action did not site Eisen for teaching enabling another third party to view the dispute that includes interaction occurring in substantially real-time where the substantial real-time interaction is displayed on at least a display without enabling the other third party to interact with the parties. Further, Eisen does not disclose this step. Thus, the Official Action failed to cite any art, alone or in combination, that discloses the claimed step. Thus, claim 26 is distinguished from the cited art.

Applicant's invention, as recited in claim 28, includes at least one other step that is neither disclosed nor suggested by the cited art, namely:

...wherein the interaction comprises a vote on which party should prevail.

With regard to this step, the Official Action cited the teachings of Sloo (See the Official Action at paragraph 25). Sloo does not disclose a voting process that occurs in substantially real-time. Further, Eisen is directed towards mediation

which does not include a voting process. Therefore, claim 28 is distinguished from the cited art.

Applicant's invention, as recited in claim 36, includes at least one other step that is neither disclosed nor suggested by the cited art, namely:

... wherein the dispute related advertising field includes an advertisement related to a fact of the dispute.

With regard to this step, the Official Action stated in paragraph 30:

As per claim 36, Sloo, Eisen, and Herz fail to expressly disclose wherein the dispute related advertising field includes an advertisement related to a fact of the dispute.

The Official Action provided no other basis for this rejection. Thus, the rejection of claim 36 is improper since the Official Action has expressly admitted the cited art does not disclose the claimed invention and has provided no other rationale for this rejection. Thus, as stated in the Office Action, claim 36 is distinguished from the cited art, and has, in fact, not been properly rejected. Applicants remind the Examiner, therefore, that if an Office Action is provided in response to this Amendment, and that Office Action does not allow claim 36 (because it includes a correctly constructed art-based allegation of obviousness with respect to claim 36), then such Office Action cannot properly be in the form of a Final Rejection.

Accordingly, claim 23 is distinguished from the cited art for the reasons set forth above. Claims 24-29, 32, and 34-36 depend from claim 23 and, therefore, are distinguished from the cited art for the same reasons set forth with regard to claim 23. Claims 24, 26, 28, and 36 are individually distinguish from the cited art for the reasons set forth above. Thus, withdrawal of the rejection of claims 23-29, 32, and 34-36 under 35 U.S.C. § 103(a) is respectfully requested.

#### **Rejection of Claims 8-10, 21,22, 30, and 31**

The Official Action rejects claims 8-10, 21, 22, 30, and 31 under 35 U.S.C. § 103(a) as being obvious over Sloo (U.S. Patent No. 5,895,450) in view of Siefert (U.S. Patent No. 5,904,485). This rejection is traversed for the reasons set forth below.

Claims 8, 21, 22, 30, and 31 depend either directly or indirectly from claim 23 which recites:

...the display includes a dispute related advertising field including an advertisement that is selected by a computer based system.

The Official Action has already admitted that Sloo does not disclose this step. See the Official at paragraph 9. Siefert also does not disclose this step. In fact, this rejection is silent with regard to this step. Accordingly, the Official Action does not provide a properly formulated obviousness-based rejection of claims 8, 21, 22, 30, and 31. Thus, withdrawal of the rejection of these claims is respectfully requested, and Applicant again reminds the Examiner that a properly formulated obviousness-based rejection of these claims may not be in the form of a Final Office Action.

Applicant's invention, as recited in claim 9, includes at least one step that is neither disclosed nor suggested by the cited art, namely:

...providing at least a portion of the input in a publicly accessible on-line form and allowing at least some people who access the on-line form to interact therewith; and determining which people that access the on-line form are permitted to interact therewith based on an assessment of at least one of the person's knowledge of the law and the person's knowledge of the facts.

With regard to this step, the Official Action stated at paragraph 35:

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included assessing the person's responses to the questions in the system as disclosed by Sloo.

What the Official Action fails to recognize is that claim 9 recites determining which people that access the on-line form are permitted to interact therewith based on an assessment of at least one of the person's knowledge of the law and the person's knowledge of the facts. In other words, the determining step of claim 9 is a step that determines who can interact with the on-line form.

In contrast, the Official Action states that Sloo teaches pre-qualifying judges or jurors. In other words, this teaches who may be asked or requested to be involved in a dispute. This is not the same as determining which people that

access the on-line form are permitted to interact therewith based on an assessment of at least one of the person's knowledge of the law and the person's knowledge of the facts. Such an assessment to determine which people that access the on-line form are permitted to interact therewith is simply not taught or suggested by Sloo or Siefert.

Further, Sloo teaches away from the combination with Siefert. MPEP Section 2143.01 states “[i]f proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification.” Sloo teaches that the performance of judge and jurors is rated to avoid the future selection of judges and jurors with low performance ratings. Thus, Sloo simply teaches weeding out poor performing jurors or judges and does not contemplate remediation of those judges and jurors. The proposed combination suggested in the Official Action on the other hand attempts to remediate the class of poor performing judges and jurors. This proposed combination is clearly the product of improper hindsight reconstruction, as the only teaching that suggests this is Applicant's specification. Further, this would frustrate Sloo's stated purpose to identify and avoid poor performing judges and jurors. Accordingly, there is no suggestion for one skilled in the art to combine Sloo and Siefert in a way that results in the claimed invention. Thus, the combination of Sloo and Siefert is inappropriate.

Accordingly, claim 9 is distinguished from the cited art for the reasons set forth above. Claim 10 depends from claim 9 and, therefore, is distinguished from the cited art for the same reasons set forth with regard to claim 9. Claims 8, 21, 22, 30, and 31 are individually distinguished from the cited art for the reasons set forth above. Thus, withdrawal of the rejection of claims 8-10, 21, 22, 30, and 31 under 35 U.S.C. § 103(a) is respectfully requested.

#### **Rejection of Claims 37-40**

The Official Action rejected claims 37-40 under 35 U.S.C. § 103(a) as being obvious over Sloo (U.S. Patent No. 5,895,450) in view of Eisen. This rejection is overcome for the reasons set forth below.

Applicant's invention, as recited in claim 37, discloses at least one step that is neither disclosed nor suggested by the cited art, namely:

...interaction of a third party with at least one of the plurality of parties to the dispute, wherein the third party is not one of (a) the plurality of parties to the dispute, (b) a judge, and (c) a juror.

With regard to this step, the Official Action cited Sloo at col. 9, lines 49-56 which states:

The program may also allow general users of the apparatus to indicate their support or opposition to a judgment by posting the judgment and encouraging responses. The program then uses all of this information to rate the judge or jurors. These ratings are used when selecting judges or jurors for future disputes so that judges or jurors with low performance ratings are not selected again (emphasis added).

It is clear that this statement does not disclose interaction of a third party with at least one of the plurality of parties to the dispute, wherein the third party is not one of (a) the plurality of parties to the dispute, (b) a judge, and (c) a juror. Sloo does not disclose any interaction with one of the parties as recited in claim 37. Eisen does not fix this deficiency.

Applicant's invention, as recited in amended claim 40, discloses at least one feature that is neither disclosed nor suggested by the cited art, namely:

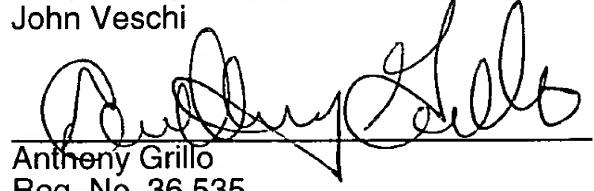
... the computer further adapted to arrange the input and the interaction for display, in substantially real-time as the interaction towards resolving the dispute occurs, on a display of a person who is not one of (a) the plurality of parties to the dispute, (b) a judge, and (c) a juror.

This feature is not disclosed by the cited art. This feature provides a third party the ability to see a dispute in substantially real-time.

Accordingly, claim 37 is distinguished from the cited art for the reasons set forth above. Claims 38 and 39 depend from claim 37 and, therefore, are distinguished from the cited art for the same reasons set forth with regard to claim 37. Claim 40 is distinguish from the cited art for the reasons set forth above. Thus, withdrawal of the rejection of claims 37-40 under 35 U.S.C. § 103(a) is respectfully requested.

Based on the forgoing, the above-identified application is in condition for allowance.

Respectfully Submitted,  
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Attached: Clean Copy of Claims 

**Claim Copy of the Claims**

1. A method of resolving a dispute, comprising:
  - at least one of a plurality of parties to the dispute providing, via an on-line connection, an input relating to the dispute;
  - information related to resolution of the dispute being provided, via the on-line connection, to at least one of the parties; and
  - providing at least a portion of the input in a publicly accessible on-line form and allowing at least some people who access the on-line form to interact therewith,

wherein the step of allowing interaction includes allowing a question of a party in the dispute, and

wherein the publicly accessible on-line form includes a dispute related advertising field including an advertisement that is selected by a computer based system.
2. A method as recited in claim 1, further comprising the step of at least one of the parties providing payment information for use in obtaining a fee associated with the service of providing the resolution related information.
8. A method as recited in claim 23, further comprising:
  - determining which people that access the on-line form are permitted to interact therewith based on an assessment of at least one of the person's knowledge of the law and the person's knowledge of the facts, wherein the determining step includes assessing the person's knowledge by providing the person a set of one or more questions and evaluating the person's responses to the questions.
9. A method of resolving a dispute, comprising:
  - at least one of a plurality of parties to the dispute providing, via an on-line connection, an input relating to the dispute;

information related to resolution of the dispute being provided, via the on-line connection, to at least one of the parties;

providing at least a portion of the input in a publicly accessible on-line form and allowing at least some people who access the on-line form to interact therewith; and determining which people that access the on-line form are permitted to interact therewith based on an assessment of at least one of the person's knowledge of the law and the person's knowledge of the facts,

wherein the determining step includes assessing the person's knowledge by providing the person a set of one or more questions and evaluating the person's responses to the questions, and

wherein the person is provided another set of questions from the larger set of questions if the person does not answer a predetermined number of the questions correctly.

10. A method as recited in claim 9, further comprising the step of providing educational information to the person prior to providing the another set of questions.

21. A method as recited in claim 8, wherein the determining step is based on an assessment of the person's knowledge of the law.

22. A method as recited in claim 8, wherein the determining step is based on an assessment of the person's knowledge of the facts.

23. A method of resolving a dispute, comprising:

at least one of a plurality of parties to the dispute providing, via an on-line connection, an input relating to the dispute; and

interaction directed towards resolving the dispute occurring in substantially real-time between at least one of the parties to the dispute and another person, wherein the substantial real-time interaction is displayed on at least a display and the display includes a dispute related advertising field including an advertisement that is selected by a computer based system.

24. A method as recited in claim 23, wherein the other person is a juror.

25. A method as recited in claim 23, wherein the other person is a third party other than one of the parties to the dispute.

26. A method as recited in claim 25, further comprising the step of enabling another third party to view the dispute without enabling the other third party to interact with the parties.

27. A method as recited in claim 23, wherein the interaction comprises a question directed to the at least one of the parties.

28. A method as recited in claim 23, wherein the interaction comprises a vote on which party should prevail.

29. A method as recited in claim 23, wherein the input is in written form.

30. A method as recited in claim 26, further comprising the step of enabling the third party to interact based on an assessment of the third party's knowledge of the law.

31. A method as recited in claim 26, further comprising the step of enabling the third party to interact based on an assessment of the third party's knowledge of the facts.

32. A method as recited in claim 23, further comprising the step of providing, via the on-line connection, information related to resolution of the dispute to at least one of the parties.

34. A method as recited in claim 23 wherein a computer based system manages the interaction between the parties.

35. A method as recited in claim 23, wherein the input is related to real life facts.

36. A method as recited in claim 23, wherein the dispute related advertising field includes an advertisement related to a fact of the dispute.

37. A method of resolving a dispute, comprising:

(a) at least one of a plurality of parties to the dispute providing, via an on-line connection, an input relating to the dispute;

- (b) interaction, directed towards resolving the dispute occurring in substantially real-time, involving at least one of the parties to the dispute; and
- (c) interaction, occurring in substantially real-time, between a third party and at least one of the plurality of parties to the dispute, wherein the third party is not one of (a) the plurality of parties to the dispute, (b) a judge, and (c) a juror.

38. The method of claim 37 wherein steps (b) and (c) occur at substantially the same time.

39. The method of claim 37 wherein the substantial real-time interaction is displayed on at least a display.

40. A system for fostering the resolution of a dispute, comprising:

- a computer adapted to receive from at least one of a plurality of parties to the dispute, via an on-line connection, an input relating to the dispute;
- the computer further adapted to receive an interaction directed towards resolving the dispute in substantially real-time between at least one of the parties to the dispute; and
- the computer further adapted to arrange the input and the interaction for display in substantially real-time as the interaction towards resolving the dispute occurs, on a display of a person who is not one of (a) the plurality of parties to the dispute, (b) a judge, and (c) a juror.